

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIGUELINA PEREZ,

Plaintiff,

- against -

PINO GROCERY CORP. and FEDERICO DE
LA ROSA, a/k/a Federico Delarosa,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
17-CV-2965 (RRM) (RLM)

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff Miguelina Perez (“Perez”) brought this wage-and-hour action on May 16, 2017, seeking unpaid overtime wages from her former employers. (Compl. (Doc. No. 1).) After defendants failed to appear, Perez requested certificates of default, which were entered on July 6, 2017. (Entry of Default (Doc. No. 11).) Perez filed an amended complaint on July 19, 2017. (Am. Compl. (Doc. 13).) Perez moved for default judgment on January 10, 2018, and this Court referred the motion to Magistrate Judge Mann on January 16, 2018. (Mot. (Doc. No. 20).) Because the amended complaint was never properly served pursuant to Federal Rule of Civil Procedure (“Rule”) 4, Perez’s motion for default judgment is based on her original complaint. (Resp. to Order to Show Cause (Doc. No. 23).)

Judge Mann issued a Report and Recommendation (“R&R”), recommending that default judgment be granted and plaintiff be awarded \$21,447.36. (R&R (Doc. No. 25).) Judge Mann reminded the parties that, pursuant to Federal Rule of Civil Procedure (“Rule”) 72(b), any objection to the R&R must be filed no later than May 3, 2018. (R&R at 23.)¹ No party has filed any objection, and the time to do so has since expired.

¹ For ease of reference, citations to Court documents utilize the Electronic Case Filing System (“ECF”) pagination.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

CONCLUSION

Accordingly, Perez's motion for default judgment is granted, and it is hereby ordered that judgment be entered against the defendants in the amount of \$21,447.36. The Clerk of Court is respectfully directed to enter judgment pursuant to this Order and close the case. Perez is directed to mail a copy of this Order and the accompanying judgment to the defendants and file a declaration of service on the docket within one week of the date of this Order.

SO ORDERED.

Dated: Brooklyn, New York

Aug 24, 2018

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge